

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Amend Section 630, Ecological Reserves  
Title 14, California Code of Regulations  
Re: Designation and Special Regulations

- I. Date of Initial Statement of Reasons: March 24, 2005
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: May 5, 2005  
Location: Sacramento
- (b) Discussion/Adoption Hearing: Date: August 19, 2005  
Location: San Luis Obispo
- III. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
- Section 1580 of the Fish and Game Code provides for the acquisition, designation and management of property to protect threatened and endangered plants, animals and specialized habitat types as ecological reserves. Section 630, Title 14, CCR, currently lists 132 habitat areas as State ecological reserves with general rules and regulations for designated ecological reserves as well as special area regulations. These regulations protect resource values while permitting compatible public use of the areas.
- The Department of Fish and Game (Department) proposes amending this Section 630, Title 14, CCR, to add one (1) area, Ballona Wetlands, to the list of designated ecological reserves and to provide special area regulations for this reserve to allow or limit specific activities.
- Designation of this proposed ecological reserve will provide necessary regulatory protection for wildlife resources for which the property was acquired. By designating this property in Section 630, Title 14, CCR, all general regulations will apply to its management and use by the public, thus providing maximum assurance the resource values are maintained in perpetuity. Since this property contains important species, including a state-listed endangered species, sensitive vegetation communities, and

acts as an important linkage to other protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources.

Ballona Wetlands, 553 acres, Los Angeles County, is proposed for designation as an ecological reserve to protect and enhance coastal salt marsh and freshwater marsh habitats and associated species, including the state listed endangered Belding's savannah sparrow. The property also acts as an important wildlife movement corridor to other public lands in the vicinity of the wetlands.

Six special regulations are proposed for this reserve:

- a. To allow pedestrian use only on designated trails for the protection of sensitive species and habitats.
- b. To allow bicycle use only on a designated bike path north of the Ballona Creek flood control channel for the protection of sensitive species and habitats.
- c. To allow fishing only with barbless hooks from shore in designated areas along the Ballona Creek flood channel or from boats within the Ballona Creek flood channel for the protection of sensitive habitats and species along Ballona Creek and to minimize mortality of fish and aquatic species caught by anglers and returned to Ballona Creek.
- d. To allow boating only in the Ballona Creek flood channel for protection of sensitive habitats and species. Since boating is not normally permitted on ecological reserves, the special regulation is necessary when the department determines boating is appropriate and will cause no impacts to protected species and habitats.
- e. To allow existing recreational uses under license agreement, and existing parking areas under lease agreements unless other uses are deemed more appropriate. Since these licensed recreational and leased parking activities are not normally permitted on ecological reserves, the special regulations are necessary when the department determines these public uses are appropriate and will cause no impacts to sensitive species and habitats.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 1580, 1581, 1583 and 1907, Fish and Game Code.

Reference: Sections 1526, 1528, 1530, 1580-1585, 1590 and 1591, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None

(d) Identification of Reports or Documents Supporting Regulation Change:

See attached Management Plan Summary for the proposed new addition.

(e) Public Discussions of Proposed Regulations Prior to Notice publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

Designation of the property as a wildlife area in Section 550, Title 14, CCR. This alternative is inappropriate because of the purposes for which this property was acquired. The sensitive habitats and species require additional protection not provided under Section 550.

(b) No Change Alternative:

By not adding this property and providing special regulations, the appropriate level of protection for the property would not be provided. Also, appropriate public use activities will not be enforceable unless the amendments are made.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulations are proposed, or would be as effective and less burdensome to the affected private persons than the proposed regulations.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulatory action adds one ecological reserve to Title 14 with special regulations. The proposed regulatory action is proposed to provide maximum protection of wildlife and habitat and to manage appropriate public use. It is not expected to negatively affect businesses, because the regulations are enforced only on the specific property named.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

(e) Nondiscretionary Costs/Savings to Local Agencies:

None

(f) Programs mandated on Local Agencies or School Districts:

None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

(h) Effect on Housing Costs:

None

## **Informative Digest/Policy Statement Overview**

Currently, there are 132 ecological reserves designated in Section 630, Title 14, CCR, for the purpose of protecting sensitive habitats and species. The department is requesting that this section be amended to add one new ecological reserve, Ballona Wetlands, to this listing.

Ballona Wetlands consisting of 553 acres in Los Angeles County is proposed for designation as an ecological reserve for the protection and enhancement of coastal salt marsh and freshwater marsh habitats, and associated species, including the state listed endangered Belding's savannah sparrow. The area is also an important wildlife movement corridor to other public lands in the vicinity of the wetlands.

The reasons for listing this property in Title 14 are to regulate public use and provide the best available protection for the species and habitats the property was acquired to protect. Since the property contains sensitive species, including a state listed endangered species, sensitive vegetation communities and acts as a linkage for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources. In order to do this efficiently, the department has a set of general regulations which apply to all ecological reserves.

The department may also write special regulations for individual properties, as it thinks appropriate, to give an additional level of protection, or to permit specific public uses not governed by the general regulations. The department is requesting special regulations for this reserve based on management information gathered which shows these amendments are necessary to protect the habitat or species the property supports.

Three special regulations will protect sensitive species and habitats of Ballona Wetlands by allowing pedestrian use only on designated trails; bicycle use only on a designated bike path on the north side of the Ballona Creek flood channel; and boating only within the Ballona Creek flood channel. One special regulation will allow fishing only with barbless hooks from shore in designated areas along the Ballona Creek flood channel or from a boat within the Ballona Creek flood channel for the protection of sensitive species and habitats and to minimize mortality of fish and aquatic species caught by anglers and returned to Ballona Creek. Two additional special regulations will allow licensed recreational use of a portion of an area of the proposed reserve known as Area C, and leased parking use under existing agreements, unless it is determined that other uses are more appropriate for these areas. Because these licensed recreational and parking uses are not normally allowed on ecological reserves, these two special regulations are necessary when the department has determined these activities are appropriate and will cause no impacts to protected species and habitats.